

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 94/2013  
(M.A. No. 904/2014, M.A. No. 592/2015 and M.A. No. 806/2015)**

**Vikrant Kumar Tongad Vs. Delhi Metro Rail Corporation Ltd.**

**CORAM:** HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER  
HON'BLE PROF. A.R YOUSUF, EXPERT MEMBER  
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

**Present:** **Applicant / Appellant** : Mr. Rahul Choudhary, Ms. Meera Gopal, Adv.  
**Respondent no.3** : Ms. Sakshi Popli for NDMC/GNCT and Palika Maternity & Madan Mohan Malviya Hospital  
: Palika Maternity Madan Mohan Malviya Hosp.  
**Respondent No. 5** : Ms. Puja Kalra, Adv. for North & South MCD  
: Mr. Balendu Shekhar, Mr. Akshay Abrol and Mr. Ishan Bahuguna, Advs.  
Mr. Tarunvir Singh Khehar, Adv. for GNCTD  
Mr. Vivek Kumar Tandon, Adv. for GNCTD  
Mr. Rohit Adlakha, Adv. for Jeevodaya Hospital  
Mr. Sanjeev Ralli, Adv. and Mr. Vinod Kapoor, Adv. along with Mr. Dinesh Jindal, LO, DPCC  
Ms. Reena Singh, AAG, U.P. for Respondent No. 6  
Mr. Ashish Malik, Adv.  
Mr. B.V. Niren, Adv. for S. Hospital, VMMC, Lady Harding and CGWA  
Mr. Jitendra Kumar, Adv. for Mr. Saurabh Chadda, Adv. for ESI Rohini  
Mr. Ashish Kumar, Adv. for Metro Hospital  
Mr. Navin Kumar Jha, Adv. for Dharamshila Hospital & Research Centre

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
	<b>Item No. 05</b> <b>February 23, 2016</b> ss	<p>Out of the remaining 9 Hospitals to whom Notice was ordered, the hospitals B.R. Homeo Medical College, Divya Prasthan Hospital and R.G. Stone, Kailash Colony were not served. Out of the remaining 6 hospitals, for Pandit Madan Mohan Malviya Hospital, the learned counsel appear and prays time to file response.</p> <p>There is no representation for Deep Chand Bandhur, Ashok Vihar; Rescue Hospital, Dewarka; Khandelwal Hospital, East; R.G. Stone, Deepali Chowk and National Heart Hospital, East of Kailash and no representative of the hospitals appeared before the Tribunal. In such circumstances as the presence of the</p>

Administrative Officer of the respective Hospitals is necessary for resolving the question. We issue bailable warrants against the Medical Superintendents of the respective hospitals in the sum of Rs. 10,000/- to the satisfaction of the arresting Officer, in exercise of our powers and in terms of the provision of Section 19 (4) (a) of the National Green Tribunal Act, 2010 read with Order XVI Rule 10(3) and Section 151 of Code of Civil Procedure, 1908. The SHO concerned will be responsible for execution of the warrants for production of Medical Superintendents of the respective hospitals before the Tribunal on 16<sup>th</sup> March, 2016.

**Palika Hospital :**

The learned counsel appearing for the Palika Hospital submitted that the tender was opened and work was awarded to M/s. Simran Associates and the work would be completed within a period of two months. Palika Hospital is directed to complete the work and submit its report within two months.

The learned counsel appearing for DPCC submitted that as per the inspection report the hospital is not having rain harvesting system. The learned counsel appearing for the Hospital submits that they have already filed an affidavit and produced a letter from Central Groundwater Board dated 18<sup>th</sup> March, 2013. The letter shows that the Central Groundwater Board has inspected the site and found that rain water harvesting system through artificial recharge of groundwater is not necessary, as the water level is already 4 to 5 meters below the ground level. In such circumstance we find no

reason to direct the hospital to install rain water harvesting system.

Let the compliance report be filed within two months.

**Jeevodaya Hospital, Ashok Vihar:**

The learned counsel appearing for DPCC submitted that the hospital has not paid environmental compensation as directed vide order of the Tribunal dated 25<sup>th</sup> January, 2016. The hospital was also directed to file a Status report within nine week from that day on the construction of rain water harvesting system. As the said period is not over. List this matter on 16<sup>th</sup> March, 2016.

**Jain Hospital :**

The learned counsel appearing for the hospital pointed out that response has been submitted on 02<sup>nd</sup> January, 2016, including certificate of adequacy of rain water harvesting system. The learned counsel appearing for DPCC submitted that for responding to the claim, inspection is necessary.

**Metro Hospital :**

The learned counsel appearing for the DPCC submits that the hospital is yet to be inspected. The hospital to file their Status report with copy to the learned counsel appearing for DPCC by 16<sup>th</sup> March, 2016.

**Dharamshila Hospital & Research Centre :**

The learned counsel appearing for Dharamshila Hospital, New Delhi submits that the necessary details will be furnished before the next date of hearing.

**Madan Mohan Malivya Hospital :**

Let the hospital be inspected and the report be filed by the next date of hearing i.e. 16<sup>th</sup> March, 2016. The response, if any, of Madan Mohan Malviya Hospital shall also be filed before the Tribunal on the same date.

List the matter on 16<sup>th</sup> March, 2016.

.....,JM  
(M.S. Nambiar)

.....,JM  
(Raghuvendra S. Rathore)

.....,EM  
(Prof. A.R Yousuf)

.....,EM  
(Ranjan Chatterjee)

